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| EXAMINER | |
|---|---|
| SHEPPERD, ERIC W | |
| **ART UNIT** | **PAPER NUMBER** |
| 2456 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/772,565 | STOPNIEWICZ ET AL. | |
| | Examiner | Art Unit | |
| | ERIC W. SHEPPERD | 2456 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *04 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/23/2004, 07/12/2004, 02/25/2005, 09/06/2006, 02/23/2007, 08/25/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: In [104] lines 10-12 the sentence "Having different levels of functionality, the input system 410 for the seats 810A include functionality 410A, which functionality is not provided on the input system 410 for the seats 810A" contradicts itself.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 4, line 8 recites the limitation "said database system" which lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as "said first database system".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Galipeau et al (US 6,249,913 B1).

As to claim 1, Galipeau anticipates an entertainment apparatus, comprising:

an antenna system ("Antenna" Fig. 12, item 236 or 236' and "Cabin Telephony Unit", item 234 or "Satcom Data Unit", item 240);

a transceiver system coupled with said antenna system ("Internet Server" Fig. 12, item 192 *and* "Network Controller" item 186 *connected to* "Antenna" item 236 *through* "Cabin Telephony Unit", item 234 or "Satcom Data Unit", item 240) and being configured to communicate with a first database system via said antenna system ("Airnet Ground Server" Fig. 12, item 232 *connected with* "Internet Server" item 192 through "Antenna" item 236); and

a user interface ("Network Interface Card" Fig. 12, item 228 *and* "network interface card is a component of the data network interface module located in an integrated seatbox" column 12 lines 1-2) for communicating with the first database system via said transceiver system ("Network Interface Card" item 228 *connected to* "Internet Server" item 192 *via* "Network Controller" item 186) and

having a communication port that is configured to communicate with a personal entertainment system ("Personal Computer" Fig. 12 item 226 and "The passenger through personal computer 226, transmits a request ... and communicates with a serial line communications port" column 11 lines 55-58),

wherein the personal entertainment system is configured to download and store a first selected file ("personal computer 226 transmits a request using any software … Outlook … Internet Explorer" column 11 lines 55-65 these applications function by transferring and receiving files) from the first database system via said communication port ("The ground server manages the communications between the aircraft and the Internet and caches email and Internet data for transmission back to the network controller 186") and to present the first selected file regardless of whether the personal entertainment system is in communication with said communication port ("Personal Computer" Fig. 12 item 226).

7. As to claims 2 and 3, Galipeau anticipates a entertainment system and apparatus, hereinafter referred to as a system, comprising:

a first database system ("Airnet Ground Server" Fig. 12, item 232);

a communication interface being disposed on a vehicle ("Internet Server" Fig. 12, item 192 *and* "Network Controller" item 186 *connected to* "Airplane Systems" Fig. 12 item 198) and configured to communicate with a first database system ("Airnet Ground Server" Fig. 12, item 232 *shown communicating with* "Internet Server" item 192 through "Antenna" item 236); and

a user interface being disposed on the vehicle ("Network Interface Card" Fig. 12, item 228 *and* "network interface card is a component of the data network interface module located in an integrated seatbox" column 12 lines 1-2 *seatbox of* "Fuselage" Fig. 1 item 10), being in communication with said communication interface ("Network Interface Card" Fig. 12 item 228 *connected to* "Network Controller" item 186), and having a communication port that is configured to communicate with a personal entertainment system ("Personal Computer" Fig. 12 item 226 *and* "The passenger through personal computer 226, transmits a request ... and communicates with a serial line communications port" column 11 lines 55-58),

wherein the personal entertainment system is configured to download and store a first selected file ("personal computer 226 transmits a request using any software … Outlook … Internet Explorer" column 11 lines 55-65 *these applications function by transferring and receiving files*) from the first database system via said communication port ("The ground server manages the communications between the aircraft and the Internet and caches email and Internet data for transmission back to the network controller 186") and to present the first selected file regardless of whether the personal entertainment system is in communication with said communication port ("Personal Computer" Fig. 12 item 226).

8. As to claim 4, Galipeau anticipates a method for downloading files while traveling on a vehicle, comprising:

providing a user interface ("Network Interface Card" Fig. 12, item 228 *and* "network interface card is a component of the data network interface module located in an integrated seatbox" column 12 lines 1-2) being in communication with a communication interface ("Network Interface Card" item 228 *connected to* "Internet Server" item 192 *via* "Network Controller" item 186), said user interface and said communication interface being installed on said vehicle ("Fuselage" Fig. 1 item 10);

coupling a personal entertainment system with said user interface ("Personal Computer" Fig. 12, item 226 connected to "Network Interface Card" Fig. 12, item 228);

establishing communications between said communication interface and a first database system ("Airnet Ground Server" Fig. 12, item 232 *shown communicating with* "Internet Server" item 192 through "Antenna" item 236);

selecting a file of the first database system ("transmits data from the individual passenger seat … to the proper location … off-aircraft (to receive email from the passenger's home or business server)" and "Email Caching" of "AirNet Ground Server" Fig. 12, item 232);

downloading said file from said database system to said personal entertainment system via said user interface ("data network interface module 114 supports two way communication and transmits data … off-aircraft (to receive email from the passenger's home or business server)" column 7 lines 19-27);

storing said file within said personal entertainment system ("receive email from the passenger's home or business server" column 7 lines 26-27 *and*

"Personal Computer" Fig. 12, item 226); and

presenting said file via said personal entertainment system regardless of whether the personal entertainment system is in communication with said user interface ("Personal Computer" Fig. 12 item 226).

9. As to claim 5, Galipeau anticipates an aircraft, comprising:

a fuselage ("Fuselage" Fig.1, item 10);

a passenger seat arranged within the fuselage ("Seat Groups" Fig. 1, item 12); and

an entertainment apparatus coupled with said fuselage and comprising:

an antenna system coupled with said fuselage ("Off aircraft communication 188 is transmitted through an aircraft antenna to an appropriate air-to-ground communication system" column 10 lines 39-41);

a transceiver system coupled with said antenna system ("Internet Server" Fig. 12, item 192 *and* "Network Controller" item 186 *connected to* "Antenna" item 236 *through* "Cabin Telephony Unit", item 234 or "Satcom Data Unit", item 240) and being configured to communicate with a first database system via said antenna system ("Airnet Ground Server" Fig. 12, item 232 *connected with* "Internet Server" item 192 through "Antenna" item 236); and

a user interface ("Network Interface Card" Fig. 12, item 228 *and* "network interface card is a component of the data network interface module" column 12 lines 1-2) for communicating with the first database system via said transceiver system ("Network Interface Card" item 228 *connected to* "Internet

Server" item 192 *via* "Network Controller" item 186), said user interface being associated with said passenger seat ("the data network interface module located in an integrated seatbox" column 12 lines 1-2) and having a communication port that is configured to communicate with a personal entertainment system ("Personal Computer" Fig. 12 item 226 *and* "The passenger through personal computer 226, transmits a request ... and communicates with a serial line communications port" column 11 lines 55-58),

wherein the personal entertainment system is configured to download and store a first selected file ("personal computer 226 transmits a request using any software … Outlook … Internet Explorer" column 11 lines 55-65 *these applications function by transferring and receiving files*) from the first database system via said communication port ("The ground server manages the communications between the aircraft and the Internet and caches email and Internet data for transmission back to the network controller 186") and to present the first selected file regardless of whether the personal entertainment system is in communication with said communication port ("Personal Computer" Fig. 12 item 226).

10. As to claim 6, Galipeau discloses the invention as claimed as described in claim 5, including wherein said entertainment apparatus further includes a second database system, said second database system being coupled with said fuselage ("Internet Mass Storage Unit" Fig. 9a item 190 *connected to* "Internet Server" Fig. 9a item 192) and configured to communicate with said user interface

("Internet Server" Fig. 12 item 192 *connected to* "Network Interface Card" Fig. 12 item 228 *through* "Network Controller" Fig. 12 item 186) such that the personal entertainment system is configured to download and store a second selected file form the second database system via said communication port ("onboard internet mass storage unit 190 … During flight, the individual passengers may access this content through the high-speed communication lines of the seat-to-seat cable" column 10 lines 47 -55) and to present the second selected file regardless of whether the personal entertainment system is in communication with said communication port ("Personal Computer" Fig. 12 item 226).

11. As to claim 7, Galipeau discloses the invention as claimed as described in claim 5, including wherein said transceiver system and said user interface are configured to communicate via a distribution system("A seat-to-seat cable 20 delivers both power and data to the integrated seat boxes 18 from a plurality of data sources and at least one power source" column 4 lines 13-15).

12. As to claim 9, Galipeau discloses the invention as claimed as described in claim 5, including wherein said transceiver system is configured to communicate with the first database system via a satellite communication system ("Satellite" Fig. 12, item 242).

13. As to claim 10, Galipeau discloses the invention as claimed as described in claim 5, including wherein said transceiver system is configured to

communicate with the first database system via a cellular communication system ("Cabin Telephony Unit" Fig. 12, item 234).

### *Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al (US 6,249,913 B1), in view of Lipsanen et al (US 2002/0059614 A1).

16. As to claim 8, Galipeau substantially disclose the invention as claimed as described in claim 7, failing however to include wherein said distribution system comprises a wireless distribution system.

Lipsanen describes a system and method for distributing content in a common carrier environment, such as an airplane, using low power RF and digital data broadcast technology to distribute digital content to passengers.

With this in mind, Lipsanen discloses wherein said distribution system comprises a wireless distribution system ("an access point coupled to the server for receiving the passenger request for content from the terminal via a short range wireless link" Lipsanen [0017] lines 5-7). It would have been obvious at

the invention was made to a person having ordinary skill in the art to which said subject matter pertains to substitute the wireless method of Lipsanen for the cable method of Galipeau, as it would reduce costs in installation (no cable), allow greater mobility, and not require a passenger be constrained by a cable connection.

17. As to claim 11, Galipeau substantially discloses the invention as claimed as described in claim 5, failing however to include wherein said communication port is configured to communicate with the personal entertainment system via a wireless communication system.

Lipsanen discloses wherein said communication port ("Access Point" Fig. 6 item 602a-c) is configured to communicate with the personal entertainment system ("Mobile Multimedia Terminal" Fig. 6, item 500b) via a wireless communication system ("an access point coupled to the server for receiving the passenger request for content from the terminal via a short range wireless link" Lipsanen [0017] lines 5-7). It would have been obvious at the invention was made to a person having ordinary skill in the art to which said subject matter pertains to substitute the wireless method of Lipsanen for the cable method of Galipeau, as it would reduce costs in installation (no cable), allow greater mobility, and not require a passenger be constrained by a cable connection.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keen et al (US 2003/0233658 A1), Parrott et al (US 6,618,580 B2), Farley et al (US 2003/0130769 A1), Hettich et al (WO 03/032503 A2), Poblete (US 2003/0047647 A1), Mitchell (US 6,529,706 B1), Weinberger (US 6,499,027 B1), Fujisawa et al (US 2002/0065711 A1), Monroe (US 6,392,692 B1), Toyozumi (US 6,130,727) and Wright (US 6,047,165) are all related to wireless distribution systems involving aircraft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC W. SHEPPERD whose telephone number is (571)270-5654. The examiner can normally be reached on Monday - Thursday, Alt. Friday, 7:30 AM - 5PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. W. S./
Examiner, Art Unit 2456

/Ashok B. Patel/
Primary Examiner, Art Unit 2456